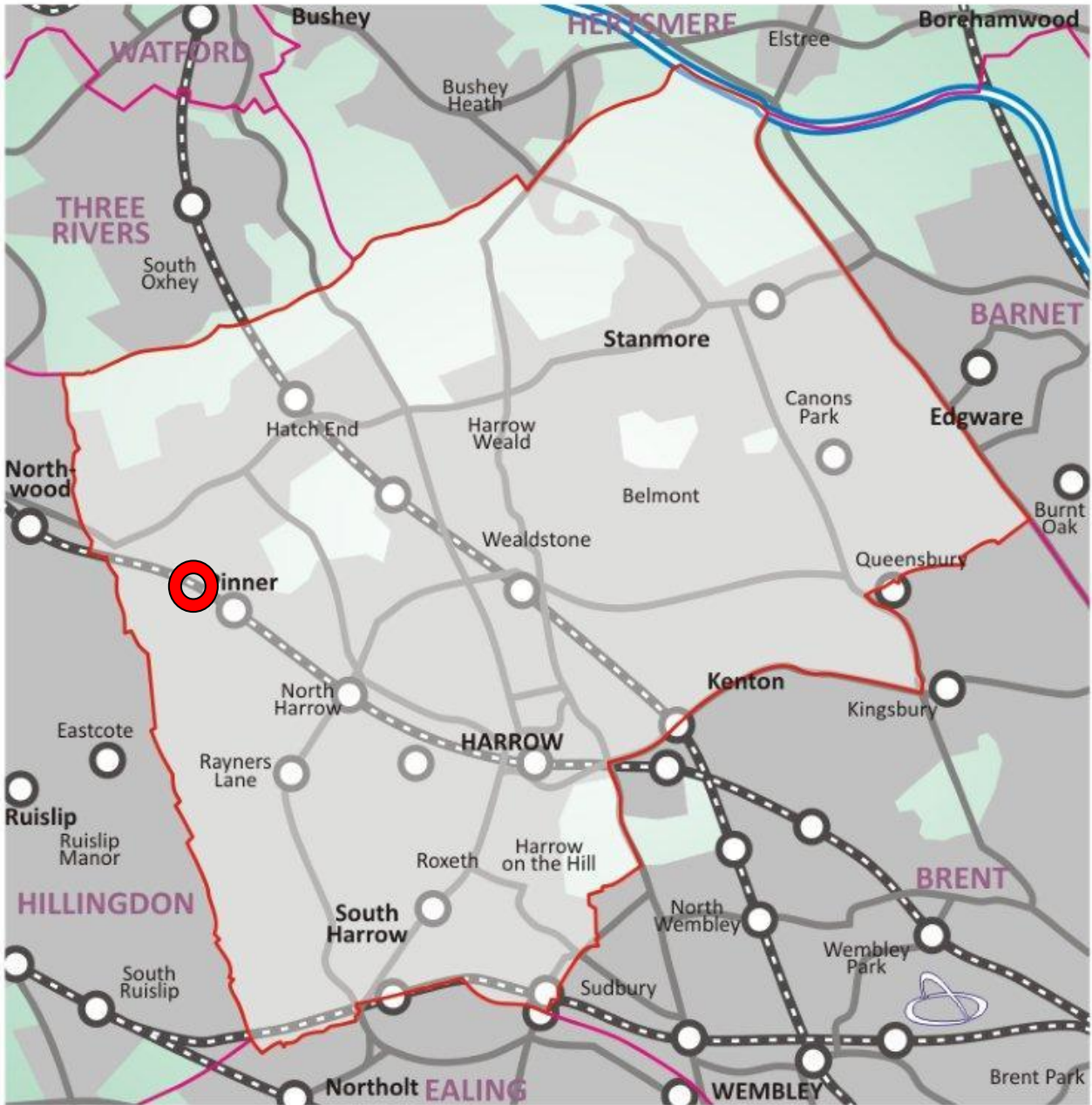
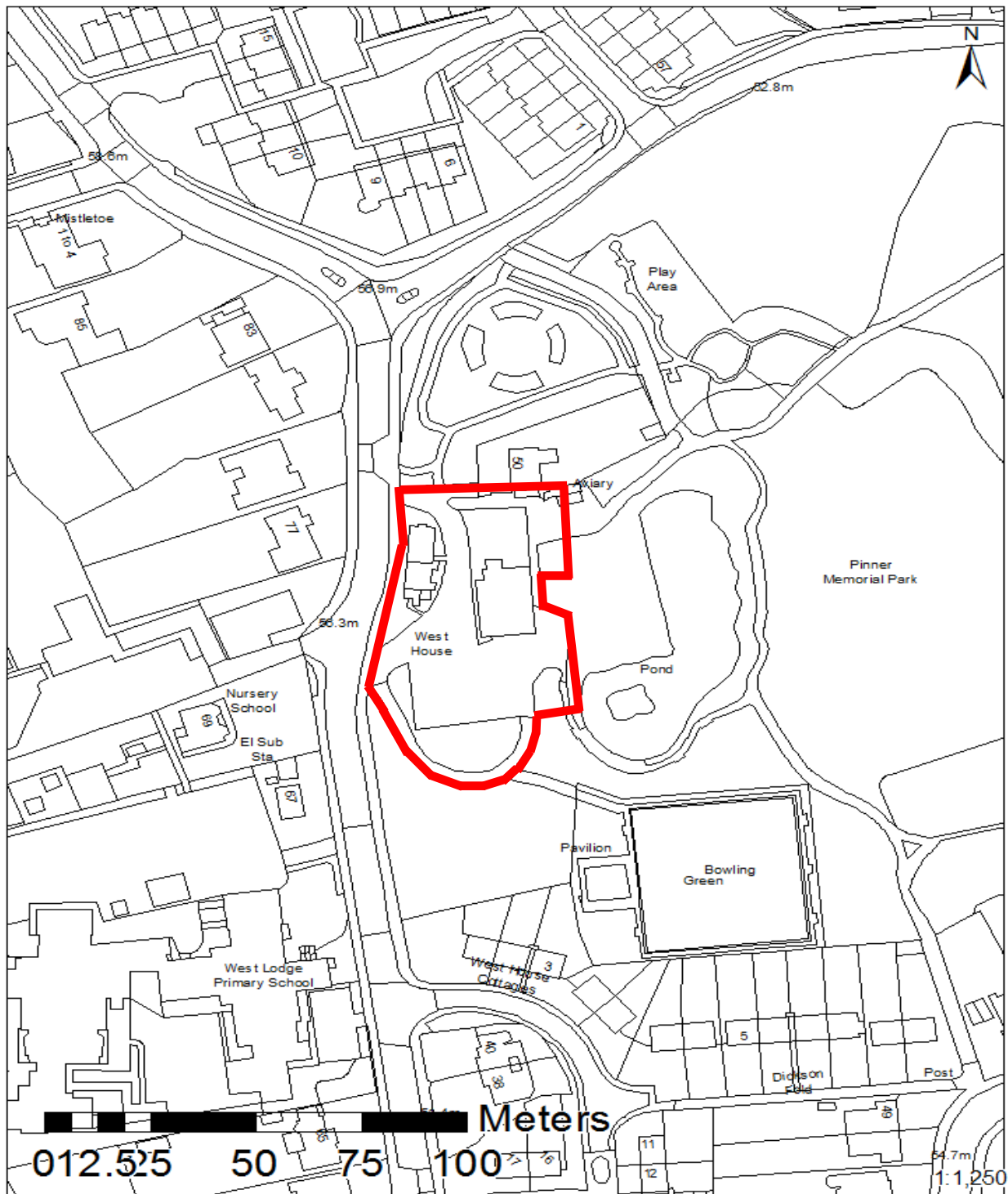


 = application site



<b>West House Gallery Café, West House Gallery, West End Lane, Pinner</b>	<b>P/5747/17</b>
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<p><b>West House Gallery Café, West House Gallery, West End Lane, Pinner</b></p>	<p><b>P/5747/17</b></p>
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# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

30<sup>th</sup> May 2018

**APPLICATION NUMBER:** P/5747/17  
**VALIDATE DATE:** 07/02/2018  
**LOCATION:** WEST HOUSE GALLERY CAFÉ, PINNER MEMORIAL PARK, WEST END LANE, PINNER  
**WARD:** PINNER  
**POSTCODE:** HA5 1AE  
**APPLICANT:** MRS CYNTHIA WELLS  
**AGENT:** ORCHARD ASSOCIATES  
**CASE OFFICER:** GRAHAM MANSFIELD  
**EXPIRY DATE:** 27/03/2018 (EXTENDED EXPIRY: 01/06/2018).

### **PURPOSE OF REPORT/PROPOSAL**

The purpose of this report is to set out the Officer recommendations to the Planning Committee regarding an application for planning permission relating to the following proposal.

Single Storey Rear Extension; Canopy Over Terrace; Extension to Terrace and Extended Brick Wall; Re-location of Bin Storage; Reconfiguration of Car Park

The Planning Committee is asked to:

- 1) agree the reasons for approval as set out in this report, and
- 2) grant planning permission subject to the Conditions listed in Appendix 1 of this report.

### **REASON FOR THE RECOMMENDATIONS**

The proposed development would involve development on designated Open Space and as such would represent a departure from the development Plan. It is considered that the moderate environmental impact on the open space and the modest scale of the development would be offset by the acceptable design of the development proposed. The proposed development would have a positive impact on social and economic impacts in enhancing the quality and value of open space, enhancing cultural quality and access to culture in the area and potentially attracting tourism and investment to the locality.

## **INFORMATION**

This application is being reported to Planning Committee as Harrow Council is the landowner of the application site and the development would be located within a site which is greater than 0.1 hectares. The application also represents a departure from the development plan as the proposed development is on designated Open Space. The application is therefore referred to the Planning Committee as it is excluded by Category 1(h) of Part 1 and Proviso D of the Scheme of Delegation dated 29 May 2013 respectively.

Statutory Return Type:	Minor
Council Interest:	Harrow Council owns the freehold of the site.
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	N/A
Local CIL requirement:	N/A

## **HUMAN RIGHTS ACT**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

## **EQUALITIES**

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

## **S17 CRIME & DISORDER ACT**

Policies 7.3.B and 7.13.B of The London Plan and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985** **BACKGROUND PAPERS USED IN PREPARING THIS REPORT:**

- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments
- Nation Planning Policy Framework
- London Plan
- Local Plan - Core Strategy, Development Management Policies, SPGs
- Other relevant guidance

**LIST OF ENCLOSURES / APPENDICES:**

Officer Report:

Part 1: Planning Application Fact Sheet

Part 2: Officer Assessment

Appendix 1 – Conditions and Informatives

Appendix 2 – Site Plan

Appendix 3 – Site Photographs

Appendix 4 – Plans and Elevations

## OFFICER REPORT

### PART 1: Planning Application Fact Sheet

The Site	
Address	West House Gallery Café; West House Gallery; West End Lane
Applicant	Mrs Cynthia Wells
Ward	Pinner
Local Plan allocation	Designated Open Space; Site of Importance for Nature Conservation
Conservation Area	No
Listed Building	No
Setting of Listed Building	No
Building of Local Interest	Yes
Tree Preservation Order	All Trees on Council Land are deemed protected
Other	Critical Drainage Area

Development		
Outside Terrace (sqm)	Existing (Terrace) – 60sqm	Extension to terrace – 19sqm
Café Floor space (sqm)	Existing Café 95 Sqm	Single Storey Rear (Kitchen) Extension – 30sqm

## **PART 2: Assessment**

### **1.0 SITE DESCRIPTION**

- 1.1 The site comprises the grounds of West House, a locally listed building, which houses a café on the ground floor.
- 1.2 A small car park is located to the rear (west) elevation of West House. To the front (east) elevation is Pinner Memorial Park.
- 1.3 The wider expanse of the Pinner Memorial Park, a locally listed garden, comprise a bowling green and mature tree cover to the south, an ornamental lake and large expanses of open space to the east and north and a dwellinghouse, Heath Robinson Museum and West House Lodge, immediately to the north of the site.
- 1.4 Planning permission was recently granted for the retention and extension of the paved terrace to the front of West House under planning references P/1792/16 & P/1796/16. The proposal under planning reference P/1792/16 has not yet been implemented.
- 1.5 The site is located in designated open space, located in a site of importance for nature conservation and a critical drainage area of Harrow.

### **2.0 PROPOSAL**

- 2.1 It is proposed to attach a single storey rear extension to the south west corner of West House. The proposed single storey rear extension would serve expanded kitchen facilities and would be 3.5m in depth and 8.5m in width.
- 2.2 The proposed single storey rear extension would be finished in brick, similar to that of the existing premises and would feature a flat roof with brick-on-edge parapet at a maximum height of 3.5m
- 2.3 It is proposed to enlarge the current paved terrace to the south of West House, adjacent to the car park. This extended terrace would result in an additional 19.0sqm, with the current brick wall surround extended eastward by 3.6m
- 2.4 An open-framed canopy is proposed to be attached to the south elevation of West House. This element would supported by two posts and would feature a louvered roof over. The proposed canopy structure would be 3.0m in height, 6.9m in width and 6.5m in depth.
- 2.5 To facilitate the above elements it is proposed to re-configure the existing car parking and cycle spaces and bin storage. There would be no loss of parking as a result of the proposed development.

### **3.0 RELEVANT PLANNING HISTORY**

3.1 A summary of the relevant planning application history is set out in the table below:

<b>Ref no.</b>	<b>Description</b>	<b>Status and date of decision</b>
P/2412/06	Partial Demolition And Part Single And Part Two Storey Extension On South Side To Provide Cafe Exhibition And Function Rooms New Pitched Roof Incorporating Dormers Over The Building To Provide Office Accommodation At Loft Level And External Alterations	Granted: 03/11/06
P/2618/13	New Two Storey Museum Building With Covered Link To Existing West House Building	Granted: 18/10/2013
P/1792/16	Extension of Paved Terrace with Low Timber Post and Rail Fence	Granted: 12/09/2016
P/1796/16	Retention of Existing Terrace	Granted: 12/09/2016
P/5106/16	Details Pursuant to Condition 9 (Management Strategy) of Planning Permission P/1792/16 dated 09.09.16	Approved: 20/12/2016
P/5107/16	Details Pursuant to Condition 6 (Management Strategy) of Planning Permission P/1796/16 dated 09.09.16	Approved: 20/12/2016

### **4.0 CONSULTATION**

4.1 A total of 13 consultation letters were regarding this application.

4.2 Four site notices were erected on 27<sup>th</sup> February 2018 and a press notice advertised on 1<sup>st</sup> March 2018. The application was advertised as 'Departure from the Development Plan'.

4.3 The application was re-advertised and consultation letters re-sent due to an amendment of the description (single storey side changed to single storey rear). Site notices were erected on 16<sup>th</sup> April 2018 and press notice advertised on 19<sup>th</sup> April 2018.

4.4 The consultation period ended on 10<sup>th</sup> May 2018.



#### 4.5 Adjoining Properties

Number of letters Sent	13
Number of Responses Received	5
Number in Support	0
Number of Objections	5
Number of other Representations (neither objecting or supporting)	0

4.6 5 objections were received from adjoining residents as summarised in the table below:

<b>Details of Representation</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
E Webster	<ul style="list-style-type: none"> <li>• The café already encroaches into the park.</li> <li>• Impact on views across the park</li> <li>• Tables and Chairs obstructing the public path</li> </ul>	<p>The proposed terrace extension is limited to the south and west side of the building adjacent to the car park.</p> <p>Access issues are assessed within section 6.4 of the report.</p>
J Lawder	<ul style="list-style-type: none"> <li>• Objection to terrace expansion</li> <li>• Café has reached maximum size</li> <li>• Current terrace acts as a barrier to views across lake</li> <li>• Reference to existing terrace around the tree</li> <li>• Extra footfall could lead to degrade the ground further</li> <li>• Council need to fulfil the covenants of the land</li> <li>• Proposal is disproportionate</li> </ul>	<p>The impact of the proposal in terms of views and size is addressed in sections 6.2 and 6.4 respectively.</p> <p>The existing terrace and impact on the tree was addressed under the previously grated applications P/1792/16 and P/1796/16.</p> <p>Issues relating to the covenants are legal matters and not a material planning consideration</p>

M. Morley	<ul style="list-style-type: none"> <li>• Café has encroached too much into the existing path around the lake</li> <li>• Table and chairs impacting the views</li> <li>• Suggestion for alternative path around the lake</li> </ul>	<p>Proposal would not be expanding further into the green space and would be located on previously developed hard standing. Impacts on views are addressed in section 6.2.</p>
J. Lindop	<ul style="list-style-type: none"> <li>• No further applications should be considered until all the needs of the users of the park are recognised and addressed</li> <li>• Design and access statement is misleading and relegates park users other than Daisy's customers to other side of lake</li> <li>• Reference to covenants</li> <li>• Options to re-design the terraces for the benefit of all park users</li> </ul>	<p>The Council has a duty to assess all planning applications and on their own merits. Issues relating to covenants are a legal matter and not a material planning consideration</p>
Mr & Mrs N Dalgliesh	<ul style="list-style-type: none"> <li>• Considerable increase in size of the development would materially impact appearance and environment of the park</li> <li>• Impacts on Health &amp; Safety</li> <li>• Proposal does not meet need of all users of the park</li> <li>• Contrary to LBH Harrow policy that the park should be managed as one entity</li> <li>• Council has refused similar applications</li> </ul>	<p>The impact of the proposal in terms of views and size is addressed in sections 6.2 and 6.4 respectively.</p> <p>A management strategy condition has been attached to deal with obstruction and potential Health &amp; Safety issues</p> <p>Proposal has been assessed against Harrow Council planning policies as highlighted in report below.</p> <p>Each proposal is assessed on its own merits. The current application does not encroach to the east of West</p>

	<ul style="list-style-type: none"> <li>• Reference to previous applications under P/1796/16 and P/1792/16, impact on the swamp cypress tree and ground conditions</li> <li>• Developments within the park should be subservient.</li> <li>• Reference to the approved management plan for the pathway adjacent to the existing terrace</li> <li>• Reference to similar proposal which was refused under P/5561/15 and P/5563/15 at 20 Bentley Priory Mansion House Drive</li> <li>• Suggestions on re-designing the access paths and existing terraces</li> </ul>	<p>House. All issues relation to reference P/1792/16 and P/1796/16 have already been assessed.</p> <p>Each scheme is assessed under its own site circumstances. The scheme at 20 Bentley Priory Mansion House Drive is materially different to the scheme assessed here at West House.</p>
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#### 4.7 Statutory and Non Statutory Consultation

4.8 The following consultations have been undertaken, together with the responses received and officer comments:

<b>Consultee</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
LBH Waste	No Comments received.	Noted.
LBH Planning Policy & Biodiversity	Proposed extension would be located on previously developed land and canopy due to its open nature would not unduly impact on open space. Proposal would need to satisfy all other material planning	Noted, suitable conditions attached.

	<p>considerations.</p> <p>There isn't any threshold level. Under the NPPF, all development is required to provide net gain, where possible (So <u>any</u> house extension ought to be coming forward with proposals for bat, bird roosts or with agreement to contribute to some wider enhancement within the local area/borough as appropriate if that would provide a better outcome.</p> <p>In terms of biodiversity if the proposals is for a flat or gently sloping roof then, making this a green/brown roof would contribute biodiversity gain (in accordance with DM21). An appropriate living roof would make up for this and provide net gain, as well as helping to reduce noise within the extended dwelling.</p>	
LBH Drainage	No objections subject to standard informatives relating to surface water and waste water.	Noted and attached.
LBH Highways	We have no objection to the principle of the application as there is no change in parking numbers. The cycle storage was better	Noted. There is no change to the current situation in terms of cycle parking.

	<p>positioned at the entrance to the park, close to the café/museum as this was closer to the destination and offered good natural surveillance. It also meant that anyone who cycle through the park to the destination would not have to enter the main car park area to access the cycle storage.</p> <p>Alterations to the car park would also need to be considered by Estates and the car parks team if they haven't already been consulted.</p>	
LBH Conservation	<p>This property is sited in the locally listed Pinner Memorial Park and West House is locally listed.</p> <p>As long as materials and details were conditioned to match, this proposal would preserve the special interest affected given the scale and sympathetic design.</p>	Noted. Conditions attached.
LBH Car Parks	<p>West House car park is not a Harrow asset we just manage it for the owners and retain a share of the revenue.</p>	Noted.
LBH Estates	<p>The Council would need to grant a Licence for Alterations to allow any works to take place. The Trustees have spoken</p>	Noted – Informative attached

	to me about the plan. From a property perspective I don't have any strong views, it just needs to satisfy planning requirements.	
Pinner Association	No Comments Received	Noted

## 5.0 **POLICIES**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

5.2 The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2016 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

5.4 While this application has been principally considered against the adopted London Plan (2016) policies, some regard has also been given to relevant policies in the Draft London Plan (2017), as this will eventually replace the current London Plan (2016) when adopted and forms part of the development plan for the Borough.

5.5 The document has been published in draft form in December 2017. Currently, the Mayor of London is seeking representations from interested parties/stakeholders, before the draft Plan is sent to the Secretary of State for Examination in Public, which is not expected to take place until the summer of 2019. Given that that the draft Plan is still in the initial stages of the formal process it holds very limited weight in the determination of planning applications.

5.6 Notwithstanding the above, the Draft London Plan (2017) remains a material planning consideration, with relevant polices referenced within the report below and a summary within Informative 1.

## 6.0 **ASSESSMENT**

6.1 The main issues are:

- Principle of the Development
- Regeneration
- Character of the Area
- Amenity & Access
- Traffic and Parking
- Drainage
- Ecology

## 6.2 Principle of Development

6.2.1 Pinner Memorial Park is designated as Open Space within the local plan. The Open Space has some built development on it at the western end including West House Lodge, a residential dwellinghouse, West House and the recently built Heath Robinson Museum.

6.2.2 Policy 7.18 of The London Plan seeks to resist the loss of London's protected open spaces and Policy CS1F of the Harrow Core Strategy seeks to protect it from inappropriate or insensitive development.

6.2.3 Policy DM18 (Protection of Open Space) of the Harrow Development Management Policies acknowledges that open spaces are of great value as places for people to participate in organised sport, play, informal recreational activity and appreciation of the natural environment. It is noted that objections have been received in relation to expansion of the café and the impact of the proposal on the open space.

6.2.4 Part C of DM18 states that proposals for ancillary development on land identified as open space on the Harrow Policies Map will be supported where:

- a. It is necessary to or would facilitate the proper functioning of the open space;
- b. It is ancillary to the use of the open space;
- c. It would be appropriate in scale;
- d. It would not detract from the open character of the site or surroundings.

These points are considered in turn below:

### 6.2.5 *The functioning of the open space*

Whilst the proposed extension to West House would not be necessary for the proper functioning of the open space, it would facilitate it. The proposed development would be considered to be a modest scale, and in the proposed location on the previously developed car park would not overall have undue impacts on the function of the wider open space. The proposals would support the business which provides a service to the users of the park and therefore would be compatible with and complimentary to the wider recreational uses of Pinner Memorial Park.

### 6.2.6 *An ancillary use*

The café and proposed extension to the terrace would be located next to the existing car parking area and adjacent to the existing path leading into Pinner Memorial Park. As such they are likely to be used by members of the public who already use the park for existing leisure activities. As such, the alterations associated with the existing café is considered to be an ancillary use.

### 6.2.7 *The open character of the surroundings*

The proposed single storey rear extension to facilitate expanded kitchen facilities would be sited on the western edge of the site, within the car park and therefore would not be visually prominent when viewed from the wider park towards West House itself. Similarly the extension to the terrace would be located towards the rear, adjacent to the car park. The proposed canopy would be an open structure, allowing views through it. However, these elements would be set to the south side of West House within the existing building envelope and would not encroach into the park itself. Given these circumstances, it is considered that there would be no significant reduction in the open character of the area.

6.2.8 The Development Management Policies Local Plan recognises that the survival of local open space relies on the use and value attributed to them by the community. The Core Strategy recognises that small scale ancillary facilities on open land can enable users of the space to continue to use and enjoy the space. The Council's policy officer has commented on the application and notes that the proposal, due to its scale and the open nature of the proposed canopy would not unduly impact on the designated open space, subject to other material planning considerations.

6.2.9 Noting the above, and the objections received, the proposal would meet the tests of Policy 7.18 (Protecting open space and addressing deficiency) of the London Plan, Policy CS1F of the Harrow Core Strategy and Policy DM18 (Protection of Open Space) and would be acceptable in principle.

## 6.3 Regeneration

6.3.1 It is considered that the proposed development supports the ongoing vitality of the West House Gallery Café. The proposal at the West House Gallery Café would contribute to the vibrancy of Pinner Memorial Park and the wider community and would continue to strengthen the vitality of this local business.

## 6.4 Character and Appearance of the Area and Impact on Open Space, Locally Listed Buildings and Gardens

6.4.1 Policy DM1 of the DMP requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. This policy broadly reflect policies 7.4.B and 7.6.B of The London Plan 2016 and gives effect to policy CS1.B of the Harrow Core Strategy 2012, policies which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm. Criteria c, d, and f of policy DM18.C are also relevant to this application given the nature of the proposal within designated Open Space.

6.4.2 Policy CS1.D of the Harrow Core Strategy 2012 and policy DM7 of the DMP are also relevant given the location of the site within a locally listed historic garden and adjacent to the locally listed West House. These policies seek to ensure that the historic environment would not be compromised by development. The NPPF and policy 7.8.C/D/E of The London Plan 2016 set out similar aims.



6.4.3 The application site is partly defined by its open and spacious setting within the designated Open Space of Pinner Memorial Park but also within the more suburban environment of the locally listed West House and West End Lane and the buildings to the north, Heath Robinson Museum & West End Lodge.

6.4.4 it is noted that objections have been received which highlight that the proposals would be disproportionate. However, it is considered that the scale of the proposed rear extension would successfully relate to the surrounding environment, whilst also ensuring that important views of the locally listed West House are not adversely affected. The proposed extension would be located on existing hard standing to the rear of West House and therefore would not be visually prominent from the wider Pinner Memorial Park.

6.4.5 The host building, West House is a locally listed building and therefore any alteration to the property should not adversely affect the character of the site. The Council's Conservation officer has commented on the application and notes that the proposed single storey rear extension would preserve the special interest affected given the scale and sympathetic design. A condition has been attached to this permission to ensure that the proposed materials match that of the existing building.

6.4.6 Similarly, the proposed canopy, located on the south side elevation of West House would be a lightweight addition to the property. Due to its open nature, it is considered that the proposed canopy would not (a) add significant bulk to the existing building, and (b) detract from views of the locally listed building from park area to the east of the building.

6.4.7 The proposed increase of the paved area to the south of the building of approximately 19sqm, is considered not to unduly impact on the character or the openness of the area. The area in question is previously developed land. In this instance the area is utilised as a parking area. It is proposed to re-configure the parking area to accommodate the small increase in the southern terrace. It is considered that these modest alterations would not unduly impact on the wider character of the West House or surrounding park.

6.4.8 For these reasons, and noting the objections received, it is considered that the existing and proposed development would accord with policies 7.4.B, 7.6.B and 7.8.C/D/E of the LP and policies DM1, DM7 and DM18 of the DMP, in providing high quality architecture that would enhance the visual and cultural qualities of the locality whilst respecting the scale and siting of the surrounding context.

## 6.5 Residential Amenity & Access

6.5.1 Policy 7.6.B of The London Plan (2016) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Policy DM1 of the DMP similarly seeks to ensure that the amenities and privacy of neighbouring occupiers is not adversely affected by development.

- 6.5.2 As stated in the previous section of the report the proposed kitchen extension would be located to the rear of West House and would be of small scale on previously developed land. Due to the size and location of the rear extension, it is considered that no undue impact would occur in terms of neighbouring residential amenity.
- 6.5.3 Similarly, due to the open nature of the proposed canopy, it is considered that no undue impacts would result on neighbouring residential properties. The nearest residential properties being located 50m to the east on the opposite side of West End Lane and 70m to the south at West House Cottages.
- 6.5.4 Given the nature of the development, the extension to the southern paved terrace would not impact on any of the adjacent properties in terms of residential amenity. Notwithstanding this, it has been necessary to attach conditions to this permission restricting the times of use of the terrace and to prevent undue noise impacting on neighbouring residents.
- 6.5.5 Subject to these conditions, the development therefore accords with policy 7.6.B and policy DM1 of the DMP in ensuring that the amenities of the neighbouring occupiers are not adversely affected.
- 6.5.6 A number of objections have been raised in relation to access in front of West House. However, these issues were dealt with under the previously approved applications under P/1792/16 and P/1796/16. The proposed extension and alterations to the terrace on the south side of the building would not result in alterations to the existing pedestrian access or paths into Pinner Memorial Park.
- 6.5.7 In addition, the proposed increase to the customer seating area to the south would be located on an area used by parking spaces and would be further contained by the extension of the existing low brick wall. The proposed extension of the brick wall would not interfere with any existing access or footpaths.
- 6.5.8 Notwithstanding the above, the previously granted applications were subject to the approval of a management strategy (which was subsequently approved). However, the proposed development under the current application would supersede elements of the previous scheme. As such a condition has been attached which would require the submission of a revised management strategy for all expanded areas of the café including those previously granted and those subject to this application.

## 6.6 Development & Flood Risk

- 6.6.1 The site is not located within a flood zone. However, given the potential for the site to result in higher levels of water discharge into the surrounding drains which could have an impact on the capacity of the surrounding water network to cope with higher than normal levels of rainfall. With regards to surface water run-off and surface water attenuation, it has been necessary to attach informatives to this permission. Subject to these, the development would accord with National Planning Policy, The London Plan policy 5.12.B/C/D and policy DM9 of the DMP.

## 6.7 Traffic, Parking and Servicing

6.7.1 Policy DM42 of the DMP give advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.

6.7.2 The proposals to extend the café and terrace would result in re-configuration of the car park and relocation of the bin stores. The Council's Highway team have not raised any objection to the scheme as there would be no loss of car parking spaces. Furthermore the relocation of the bin store would still provide the site with a serviceable and accessible bin storage area.

6.7.3 It is noted that reference has been made by highway officers in regards to the relocation of cycle parking. However, the existing and proposed plans demonstrate that the cycle storage on site would remain in its current location with no changes.

6.7.4 However, in addition to the above, the proposed works would be subject to a works licence from the Harrow Council Estates department. Such a licence falls outside the remit of planning considerations and therefore an informative has been attached to this permission.

## 6.8 Ecology

6.8.1 The site is located within a Site of Nature Conservation Importance (SINC) and as such, development should ensure the protection of ecology and biodiversity on the site as well as taking opportunities to enhance biodiversity on the site.

6.8.2 The Council's Biodiversity Officer has commented on the application and has not raised any objections due to the fact that the single storey rear extension would be located on a current parking area which is previously developed land.

6.8.3 Notwithstanding the above, there would be the opportunities for the betterment of biodiversity. Therefore to enhance biodiversity on the site, conditions are suggested to ensure the provision of bird and bat boxes in the extended building.

6.8.4 In terms of impacts on trees, as previously highlighted, the proposed development including the kitchen extension, extension of southern terrace and canopy over would be on previously developed land, away from any significant trees. Therefore no mitigation work would be required in this regard.

6.8.4 Subject to conditions, the development would accord with policy 7.19 and 7.21 of the London Plan (2016) and policies DM20 and DM22 of the DMP.

## **7.0 CONCLUSION AND REASONS FOR APPROVAL**

- 7.1 As the proposal would involve development on designated Open Space, the proposal would represent a departure from the development plan. However, it is considered that the moderately adverse environmental impacts of development on Open Space would be offset by the satisfactory design of the proposed development. The proposed development would have a positive impact on social and economic impacts in enhancing the quality and value of the Open Space, enhancing cultural quality and access to culture in the area and potentially attracting tourism and investment in a local business.
- 7.2 For these reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, it is considered that a departure from the development is justified in this instance and the application is recommended for grant.

## **APPENDIX 1: Conditions and Informatives**

### **Conditions**

#### 1 Timing

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

#### 2 Approved Drawing and Documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Design & Access Statement; 562 20; 562 21; 562 22; 562 23; 562 24 Rev C; 562 25 Rev C; 562 26 Rev C; 562 27 Rev B

REASON: For the avoidance of doubt and in the interests of proper planning.

#### 3 Materials

Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not commence beyond damp proof course level until samples of the materials to be used in the construction of the external surfaces noted below have been made available to view on site, and approved in writing by, the local planning authority:

- a. facing materials for the single storey rear extension;
- b. material details for the canopy;
- c. boundary wall;
- d. ground surfacing;

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality and to ensure a satisfactory form of development, this condition is a PRE-COMMENCEMENT condition.

#### 4 Use

The terrace hereby permitted shall not be open to customers outside the following times:-

8am – 9pm Monday – Sunday inclusive without the prior permission in writing by the local planning authority.

REASON: To safeguard the residential amenities of nearby residents.

## 5 Audible Noise

No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents.

## 6 Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Method and Logistics Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. measures to control the emission of dust and dirt during construction
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works
- vi. details in relation to safeguarding the adjacent properties during demolition and construction phases.

REASON: To ensure that measures are put in place to manage and reduce noise and vibration impacts during demolition and construction and to safeguard the amenity of neighbouring occupiers and to ensure that the transport network impact of demolition and construction work associated with the development is managed and that measures are agreed and in place to manage and reduce dust, noise and vibration during the demolition and construction phases of the development and manage transport impacts during the demolition and construction phases of the development, this condition is a PRE-COMMENCEMENT condition.

## 7 Flues & Pipework

Other than those shown on the approved drawings, no soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the buildings hereby approved.

REASON: To enhance the appearance of the development and safeguard the character and appearance of the area.

## 8 Bio-diversity

Prior to first occupation of the development hereby approved, details for bio-diversity enhancements including the provision of

- i) bat and nest boxes on the external walls of West House, and
- ii) re-provision of shrubs and planting which exist on the west elevation of West House shall be submitted to, and approved in writing by the Local Planning

Authority. The bat roosts and nest boxes and planting shall be installed in accordance with the approved details, and shall be retained as such thereafter.

REASON: To mitigate and enhance the impact of development on local ecology and in the interests of site ecology, in accordance with policy 7.19 of The London Plan and policy DM20 of the Development Management Policies Local Plan 2013

## 9 Management Strategy

Within 1 month of the grant of this permission a Management Strategy shall be submitted to the Local Planning Authority for approval. Details shall include;

- 1) Management and exact location of tables and seating areas (and their storage areas when not in use) in front of West House
- 2) Which areas will be kept clear of any tables and seating, and storage of unused chairs and tables and other equipment
- 3) A strategy for clearing up rubbish and other debris associated with the use of the cafe.
- 4) Directional signage for pathways adjacent to the proposed terrace.

The use shall only operate in accordance with any approval by the Local Planning Authority.

REASON: To safeguard the appearance of the locality, maintain the access of adjacent footpaths and ensure that the use does not contribute to litter accumulation and untidiness of the Park

## 10 Café Furniture

All tables, chairs and furniture relating to the use of the terrace shall be removed from the terrace and stored away when not in use (9pm - 8am the following day).

REASON: To ensure the openness of the site is retained when not in use.

## **INFORMATIVES**

### 1 Policies

The following policies and guidance are relevant to this decision:

National Planning Policy and Guidance:

National Planning Policy Framework (2012)

The London Plan (2016):

5.3.B, 6.3.A/B/C, 6.9; 6.10.B, 6.13.C/D/E, 7.4.B, 7.6.B, 7.8.C/D/E, 7.18.B, 7.19.C/D/E, 7.21.B

Draft London Plan (2017):

D1; D2; D3; HC1; H2; G4; G6

Local Development Framework

Harrow Core Strategy 2012

CS1 Overarching Policy

Development Management Policies Local Plan 2013

DM1; DM7; DM18; DM20; DM22; DM42

Supplementary Planning Documents

Mayors Supplementary Planning Guidance: Housing (2016)

Harrow Supplementary Planning Document: Residential Design Guide 2010

### 2 Pre-application engagement

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

### 3 Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### 4 Party Wall Act

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
  2. building on the boundary with a neighbouring property;
  3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:



Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

## 5 Compliance with Planning Conditions

**IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences - You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority. Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.- Beginning development in breach of a planning condition will invalidate your planning permission.

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

## 6 Liability For Damage to Highway

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to [nrswa@harrow.gov.uk](mailto:nrswa@harrow.gov.uk) or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicants expense. Failure to report any damage could result in a charge being levied against the property.

## 7 SUDS

The applicant is advised that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (2012) gives priority to the use of sustainable drainage systems in the management of residual flood risk and the technical guidance confirms that the use of such systems is a policy aim in all flood zones. Policy 5.13 of the London Plan (2012) requires development to utilise sustainable drainage systems unless there are practical reasons for not doing so. Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Therefore, almost any development should be able to include a sustainable drainage scheme based on these principles. The applicant can contact Harrow Drainage Section for further information.

## 8 Surface & Foul Water

The applicant is advised that the Drainage Authority in Harrow recommends the submission of a drainage plan, for their approval, indicating all surface and foul water connections and their outfall details. Please also note that separate systems are used in Harrow for surface water and foul water discharge. Please email [infrastructure@harrow.gov.uk](mailto:infrastructure@harrow.gov.uk) with your plans.

## 9 Consent for Works

Notwithstanding the planning permission hereby permitted, further consent is required for the proposed works from Harrow Council Estates department. The applicant is advised to contact Harrow Council Estates to obtain a licence for the approved development.



**APPENDIX 3: SITE PHOTOGRAPHS**

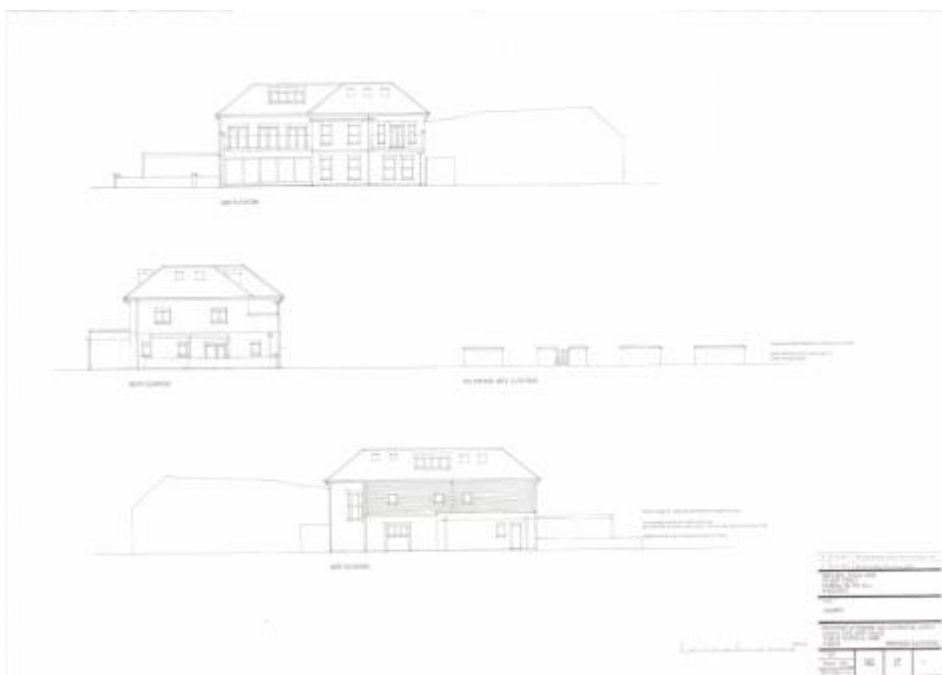
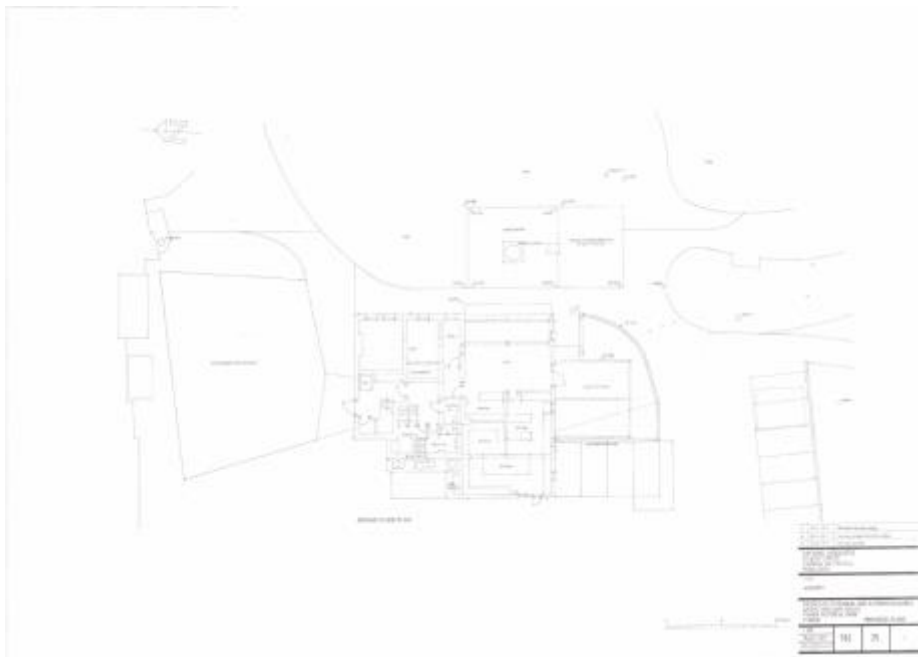








## APPENDIX 4: PLANS AND ELEVATIONS



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